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LAW OFFICES OF JAMES E. WALTON, PLLC
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SUITE 107-328
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In re Application of
BUILTA et al.
Serial No.: 10/575,223
PCT No.: PCT/US04/09080
Int. Filing Date: 25 March 2004
Priority Date: None
Attorney's Docket No.: 0837RF-H476-US
For: CONTROL SYSTEM FOR VEHICLES

DECISION ON
DECLARATION UNDER
37 CFR 1.497(a) and (b)

This is a decision on applicants' submission under 35 U.S.C. 371, filed on 21 November 2007 in the United States Patent and Trademark Office (USPTO). Applicant also paid the \$130 surcharge for filing the declaration after the thirty month period.

BACKGROUND

On 10 April 2006, within the thirty month period, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 23 April 2007, a Notification of Missing Requirements was mailed to applicant, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 30 April 2007, in response to the Notification, applicant submitted a copy of the declaration, executed by the inventors.

On 21 September 2007, a decision was mailed to applicant indicating that the declaration was unacceptable because it did not meet the requirements of 37 CFR 1.497 (a) and (b).

On 21 November 2007, applicant submitted three separate declarations.

DISCUSSION

Applicant submitted 2 identical three page declarations, each included a supplemental sheet. Each declaration identified the application to which it was directed and identified all five inventors as listed on the published international application. One declaration was executed by inventor Byron P. Honza. The second three page declaration was executed by two inventors Jeffrey W. Epp and Kynn J. Schulte.

The third declaration identified and was executed by joint inventors Kenneth E. Builta and James E. Harris. This declaration is unacceptable because it does not identify the application to

which it is directed and it does not identify all of the five joint inventors as listed on the published international application. A declaration executed by inventors Kenneth E. Builta and James E. Harris is required. This declaration must identify the application to which it is directed and identify all five inventors, including the citizenship, residency and mailing address of all inventors to meet the requirements of 37 CFR 1.497(a) and (b).

CONCLUSION

For the reasons set forth above, the declaration executed by inventors Builta and Harris and submitted on 21 November 2007 is unacceptable as filed as it is not in accord with 37 CFR 1.497(a) and (b).

Applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 1.497(a) and (b) within **ONE (1) MONTH** from the mail date of this Decision. **Extensions of this time limit are not available.**

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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